IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17528 of 2004

Between:

B. Sikhandar Basha S/o. B. Fakrudidin,
Aged about 48 years, R/o. Guvvalaguttapalli, Puttaparthi Mandal,
Anantapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Ananthapur District.
2 The Revenue Divisional Officer, Penukonda, Ananthapur District.
3 The Mandal Revenue Officer, Puttaparthi, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order of the 1st respondent in Rc.No.K4/952/2004, dt. 29.08.2004 and the order of the 2nd respondent in Rc. No. 1128/2004 H, dt. 14.07.2004 as illegal, arbitrary and without jurisdiction and consequently to set aside the same and direct the respondents to permit the petitioner to continue as Fair Price Shop Dealer of Guvvalaguttapalli, Puttaparthi Mandal, Ananthapur District.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

The petitioner is a fair price shop dealer of Guvvalaguttapalli village, Puttaparthi Mandal, Anangthapur District. His authorisation was suspended by the Revenue Divisional Officer-second respondent by order dated 14-07-2004 pending enquiry into the alleged irregularities in distribution of the commodities. Against the said order, the petitioner preferred an appeal before the Joint Collector-first respondent. The Joint Collector, while entertaining the appeal, by order dated 29-08-2004, rejected the application for stay filed by the petitioner. The said order is under challenge in this writ petition.

I have heard the learned counsel appearing for the petitioner and learned Government Pleader appearing for the respondents.

Though the learned counsel for the petitioner raised various grounds assailing the correctness of the allegations made against the petitioner, I am not inclined to express any opinion since a statutory appeal is pending before the first respondent. That apart, the order challenged in this writ petition being an interim order, I am of the view

that the interference of this Court in exercise of jurisdiction under Article 226 of the Constitution of India is not warranted. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file against the order of the Revenue Divisional Officer-second respondent dated 14-07-2004, as expeditiously as possible, and to pass appropriate orders, in accordance with law, preferably within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction. No costs.

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(G.ROHINI, J)

Date: 29-09-2004

ghn

To

1 The Joint Collector, Anantapur, Ananthapur District.

2 The Revenue Divisional Officer, Penukonda, Ananthapur District.

3 The Mandal Revenue Officer, Puttaparthi, Ananthapur District.

4 Two CCs to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad (o.u.t.)

5 Two CD copies.